

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BONNIE KRAHAM,

Plaintiff,

04 Civ 1684 (SCR)

-against-

ANSWER

JONATHAN LIPPMAN, sued in his individual
and official capacity as Chief Administrative
Judge of the State of New York; and
OFFICE OF COURT ADMINISTRATION,

Defendants.

Defendants, by their attorney, Michael Colodner, for their answer to
the complaint:

1. Deny knowledge or information sufficient to form a belief as to the truth of
each and every allegation contained in paragraph "1" of the complaint, except refer to
22 NYCRR 36.2(c)(4)(i) for its contents.

2. Deny knowledge or information sufficient to form a belief as to the truth of
each and every allegation contained in paragraph "2" of the complaint.

3. Deny knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs “3” and “4” of the complaint, and allege that defendant Lippman is, on behalf of the Chief Judge of the State of New York, responsible for the supervision of the administration and operation of the Unified Court System, including the adoption of rules and orders regulating practice in the courts, with the advice and consent of the administrative board of the courts, and further allege that defendant Office of Court Administration is the administrative office for the courts, and refer to section 212 of the Judiciary Law and 22 NYCRR 36.2(c)(4)(i) for their contents.

4. Deny knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs “5” and “6” of the complaint, except refer to 22 NYCRR 36.2(c)(4)(i), 28 U.S.C. §1343 and 42 U.S.C. § 1983 for their contents.

5. Deny knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs “7”through “9”of the complaint, except allege that a new Part 36 of the Rules of the Chief Judge was promulgated in 2002 and refer to 22 NYCRR 36.2(c)(4)(i) for its contents.

6. Deny knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraphs “10” through “18” of the complaint, except deny that section 36.2(c)(4)(i) is unconstitutional, admit that plaintiff submitted a letter to defendant OCA, which letter was dated December 22, 2003, admit that Michael Colodner submitted a letter to plaintiff, which letter was dated December 29, 2003, and refer to those letters and to 22 NYCRR 36.2(c)(4)(i) for their contents.

7. As and for an answer to paragraph “19” of the complaint, repeat and reallege the responses contained in paragraphs “1” through and including “6” of this Answer.

8. Deny each and every allegation contained in paragraph “20” of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a cause of action upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

This Court lacks subject matter jurisdiction over plaintiff’s complaint.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Plaintiff has no standing.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Defendants are not persons within the meaning of 42 U.S.C. section 1983, and to the extent that plaintiff seeks relief pursuant to 42 U.S.C. section 1983, in the form of back wages allegedly due in addition to various forms of declaratory and injunctive relief, the Court in this plenary action is precluded from granting such relief by reason of the State's sovereign immunity.

WHEREFORE, the complaint should be dismissed.

Dated: New York, New York
March 22, 2004

MICHAEL COLODNER
Attorney for Defendants
25 Beaver Street - 11th Floor
New York, New York 10004
(212) 428-2150

By:

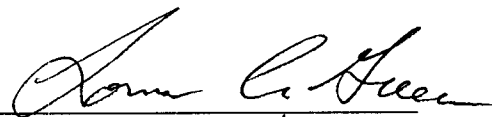

Shawn Kerby (SK 1339)
Assistant Deputy Counsel

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

LORNA C. GREEN being duly sworn deposes and says that deponent is over the age of 18 years, is not a party to the action, and resides at 44 Quinn Street, Staten Island, New York 10304, and that on the 22nd day of March, 2004, deponent served a copy of the within answer upon the following:

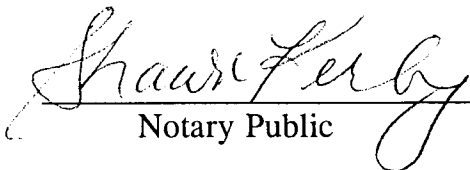
Stephen Bergstein
Thornton, Bergstein & Ullrich
Attorney for Plaintiff
15 Railroad Avenue
Chester, New York 10918

at the last known address designated by him by depositing the same in a postpaid wrapper in an official depository of the United States Postal Service in the State of New York.



Lorna C. Green

Sworn to before me this
22nd day of March, 2004



Notary Public

SHAWN KERRY
Notary Public, State of New York
No. 02KE5023988
Qualified in New York County
Commission Expires 2/23/06